

**REMARKS**

Applicants acknowledge receipt of the Final Office Action mailed April 13, 2011.

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 1-7 under 35 U.S.C. § 102(b) as being anticipated by *Inoue* (U.S. Patent No. 5,220,461).

In this Amendment, Applicants propose to amend claim 1. Claims 1-38 remain pending, with claims 8-38 withdrawn from consideration. Of the claims under examination, claim 1 is independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claim 1. No new matter has been introduced.

Based on the foregoing amendments, Applicants traverse the rejection above and respectfully request reconsideration for at least the reasons that follow.

**I. 35 U.S.C. § 102(b) REJECTION**

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Inoue*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that amended independent claim 1 is patentably distinguishable over *Inoue* at least for the reasons set forth below.

In order to properly establish that *Inoue* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be disclosed, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail

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<sup>1</sup> The Final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Final Office Action.

as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 1 recites a lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising: "a position detecting magnet mounted on either one of said lens and said base; a magnetic force detecting sensor mounted on the other of said lens and said base, for generating a detected signal having a magnitude depending on the intensity of a magnetic force generated from magnetic poles of said position detecting magnet; [and] an actuating magnet mounted on said base, said actuating magnet having a magnetic pole surface extending parallel to the optical axis of said lens" (emphasis added).

*Inoue* appears to disclose a lens barrel which including an outer shell, a lens holding member holding a focusing lens thereon and mounted in the outer shell for movement in a direction of an optic axis of the focusing lens, and an actuator including an actuating coil secured to one of the lens holding member and the outer shell and wound around a coil bobbin. The actuator further includes a magnet secured to the other of the lens holding member and the outer shell in a coaxial relationship with the actuating coil around the optic axis, and a detecting coil is wound on the coil bobbin in an overlapping relationship with the actuating coil for detecting a speed of movement of the focusing lens. (*Inoue*, Abstract).

*Inoue*, however, fails to teach or suggest, at least, a lens position detecting device, comprising: "an actuating magnet mounted on said base, said actuating magnet

having a magnetic pole surface extending parallel to the optical axis of said lens" (emphasis added), as recited in amended independent claim 1.

The Examiner asserts that "Inoue discloses a lens position detecting device for detecting the position of a lens (10) on a base (at 18b . . . ) . . . , the device comprising: a position detecting magnet (39) mounted on said lens; [and] a magnetic force detecting sensor (41) mounted on said base . . . " (*Final Office Action*, p. 3, ll. 3-8). The mounting recess 18b, which the Examiner equates to the claimed "base," however, does not have an actuating magnet mounted thereon. Rather, as illustrated in FIG. 6 of *Inoue*, the mounting recess 18b only has a Hall effect element 41, which the Examiner equates to the claimed "magnetic force detecting sensor," mounted thereon.

The Final Office Action has therefore not met the essential criteria for showing anticipation, wherein "each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in...a...single reference." See M.P.E.P. § 2131. Accordingly, independent claim 1, and claims 2-7 which depend therefrom, are patentable over *Inoue*. Applicants therefore request that the rejection of claims 1-7 under 35 U.S.C. § 102(b) be withdrawn.

## II. CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-7 in condition for allowance. Applicants submit that the proposed amendments of claim 1 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the

claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: June 10, 2011

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